



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

# DFC  
Q-127  
A

In re Patent Application of

JOHNSEN et al

Atty. Ref.: 3842-5

Serial No. 09/714,956

Group: 2127

Filed: November 20, 2000

Examiner: Nguyen, A.

For: DISTRIBUTED ELECTRONIC DATA PROCESSING

\* \* \* \* \*

Assistant Commissioner for Patents  
Washington, DC 20231

RECEIVED

AUG 09 2004

CITIZENSHIP

Sir:

**REQUEST TO RESCIND NOTICE OF  
ABANDONMENT AND CONTINGENT PETITION**

It is respectfully requested that the Notice of Abandonment mailed July 26, 2004 in the captioned application be rescinded for the following reasons.

08/05/2004 HALI11 00000003 141140 09714956

01 FC:1460 130.00 DA

**STATEMENT OF FACTS**

An Office Action was mailed for the captioned application on December 1, 2003. On March 1, 2004, the undersigned filed an Amendment and Amendment Transmittal via facsimile to 703-872-9306 (the USPTO central facsimile number). A copy of the March 1, 2004 Amendment, transmittal and facsimile confirmation receipt are attached as Exhibit 1.

On June 25, 2004, Examiner Nguyen telephoned the undersigned and indicated no response to the December 1, 2003 Office Action had been received. At the Examiner's request, on the very same day the undersigned forwarded via facsimile a copy of the Amendment and Amendment transmittal. See Exhibit 2. It is the undersigned's understanding that the Examiner confirmed with the undersigned's secretary that the June 25, 2004 transmission of the documents of Exhibit 2 were received by the US Patent Office.

On July 19, 2004, Examiner Nguyen telephoned the undersigned's secretary, indicating that the Examiner did not have a copy of the facsimile confirmation receipt. At the Examiner's request, the undersigned's secretary again forwarded via facsimile a copy of the facsimile confirmation receipt. See Exhibit 3.

Despite the timely filing of the amendment and twice providing the US Patent Office with proof of filing, the Examiner nevertheless sent the Notice of Abandonment, which occasioned further and effort for the Applicant.

Since the undersigned did timely file an Amendment and Amendment Transmittal with the proper facsimile certificate, it is requested that the US Patent Office kindly withdraw the notice of abandonment.

Alternatively, Applicant respectfully petitions that the captioned application be revived in accordance with the provisions of 37 CFR §1.137(b).

#### **RELIEF REQUESTED**

It is respectfully requested that captioned application be revived and reinstated as a pending application in accordance with the provisions of 37 CFR §1.137(b).

#### **SUBMISSION OF PETITION FEE**

The petition fee of 37 CFR §1.17(m) is submitted herewith. Should the fee be missing or the amount thereof insufficient, the Commissioner is authorized to charge the undersigned's deposit account No. 14-1140 in whatever amount is necessary for consideration of this Petition and the missing parts.

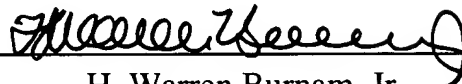
The requirements of 37 CFR §1.137(b) having been fully satisfied, granting of this Petition is earnestly requested.

JOHNSEN et al  
Serial No. 09/714,956

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

July 29, 2004

By: \_\_\_\_\_

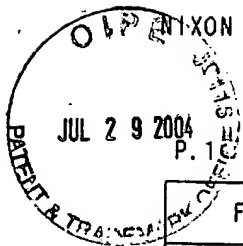


H. Warren Burnam, Jr.

Reg. No. 29,366

HWB:lsh

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\*\* Transmit Conf. Report \*\*

Mar 1 2004 15:14

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
97038729306	NORMAL	1, 15:14	4'13"	18	# O K	

DEFENDANT'S DEPOSITION  
EXHIBIT  
1

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In re Patent Application of

Atty Dkt. 3842-5

JOHNSEN et al

C# M#

Serial No. 09/714,956

TC/A.U.

2127

Filed: November 20, 2000

Examiner: Nguyen, A.

Date: March 1, 2004

Title: DISTRIBUTED ELECTRONIC DATA PROCESSING

**FACSIMILE CERTIFICATE**

I hereby certify that this Amendment, Amendment Transmittal and Corres. Address Ind. Form is being transmitted by facsimile to the Patent and Trademark Office on March 1, 2004, specifically to 703-872-9306.

*H. Warren Burnam, Jr.*  
Signature

H. Warren Burnam, Jr.  
Reg. No. 29,366

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

No. of pages transmitted (including  
this cover sheet): 17 pages

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 18 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 2 minus highest number  
previously paid for 3 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00  
☐ Please enter the previously unentered, filed  
☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract  
☐ Applicant claims "small entity" status. ☐ Statement filed herewith -\$ 0.00

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this

**\*\* Transmit Conf. Report \*\***

P.1

Jun 25 2004 11:07

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
87037463191	NORMAL	25,11:07	6'28"	20	* O K	

**Nixon & Vanderhye PC.**

ATTORNEY AT LAW

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TELEPHONE: (703) 816-4000  
FACSIMILE: (703) 816-4100  
WRITER'S DIRECT DIAL NUMBER:  
**(703) 816-4027**

**FACSIMILE COVER SHEET**  
**PLEASE DELIVER IMMEDIATELY!!!!**

Our Ref.: 3842-5  
Your Ref.: 09/714,956 Date: June 25, 2004

To: Examiner A. Nguyen  
Firm: USPTO  
Facsimile No.: 703-746-3191  
From: H. Warren Burnam, Jr.

Number of Pages (including cover sheet): 19  
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,  
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

Linda Hull  
FACSIMILE OPERATOR

ATTACHMENT/S: Amendment filed March 1, 2004

MESSAGE:

# Nixon & Vanderhye PC.

ATTORNEY AT LAW

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857373

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P.1

Jul 19 2004 10:46

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
87037463191	NORMAL	19,10:46	0'56"	2	* O K	

**Nixon & Vanderhye PC.**

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